

NEWS

From Supervisor Bill Postmus First District, San Bernardino County



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POSTMUS TO CONGRESS: STOP NEW RESTRICTIONS ON DESERT

SAN DIEGO, Calif. – San Bernardino County Supervisor Bill Postmus urged a Congressional subcommittee on Monday to stop the Interior Department from restricting public-lands access in the name of tortoise protection, at least until the government can show how \$100 million spent to date on protection has helped the species.

The First District Supervisor's testimony was given before members of the Subcommittee on National Parks, Recreation and Public Lands, at a Field Oversight Hearing at the Hubbs Sea World Research Institute in San Diego. U.S. Rep. Richard Pombo (R-Calif.), Chairman of the House Committee on Resources, was present at the hearing along with Rep. George Radanovich (R-Calif.), the Subcommittee Chairman.

The purpose of the hearing was to gather information on "Access to the California Desert Conservation Area." Postmus represented San Bernardino County as part of a panel that also included Supervisors from the Counties of Kern, Inyo and Imperial.

Following is the text of Postmus' remarks:

"Good afternoon, Mr. Chairman, Committee Members. I am Bill Postmus, Supervisor, First District of San Bernardino County, California. San Bernardino County is the largest local government jurisdiction in the lower 48 states and contains over 8 million acres of public lands under a variety of Federal jurisdiction.

"Our County has experienced significant impacts from desert management and, so-called protection, over the past 27 years. So my message today is 'Enough is enough.'

"My request to this Committee, the Congress and the Department of the Interior is four-fold:

1. "We need a moratorium on the implementation of land use planning until the

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monitoring recommendations of the General Accounting Office audit are implemented on reserves, parks and wilderness. The imposition of further planning decisions and elimination of land uses is inappropriate. Neither BLM, Park Service nor Fish and Wildlife Service have taken positive actions to deal with the main causes of tortoise decline – disease and predation. Instead they continue with land closures.

2. “We request a thorough review of National Park Service units and programs. They have eliminated most historic land uses within their jurisdictions, and we are not aware of any monitoring to determine the effect on resources or economics.
3. “The Congress should cease all private land acquisitions by the Federal land management agencies within the California Desert Conservation Area. San Bernardino County has lost over 600,000 acres in the last four years, plus ranches and mines. Concurrently, we urge the passage of H.R. 380, which contains a retroactive provision such that at least the county’s tax base losses would be made up by an interest-bearing endowment.
4. “We recommend amendments of the California Desert Protection Act to remove sunset provisions of Park Service advisory commissions, provide for inclusion of access for wildlife habitat management including maintenance of water facilities within Park Service wilderness units, and review of wilderness boundaries, and review current actions of NPS regarding limitations on hunting under the guise of the Endangered Species Act.

“The California Desert Conservation Area was created in a special section of the Federal Land Policy and Management Act of 1976, emphasizing multiple-use management of public lands. This concept has become lost in subsequent legislation and regulatory implementation.

“The California Desert Plan was completed in 1980 and approved by the Secretary of the Interior. It affirmed a balanced multiple use management of public lands together with wilderness preservation for special areas. That plan was recommended favorably by a unanimous vote of the Desert Advisory Council.

“After adoption of the plan, it was challenged by off-road vehicle interests and one local government in a now-forgotten lawsuit. Ultimately decided in the 9th Circuit Court of Appeals, it was found that while the plan made everybody a little unhappy, it had completely followed its Congressional mandate to balance land use, provide for new uses, and protect wilderness values.

“Unsatisfied with the outcome of that litigation, environmental groups immediately launched a plan to impose their vision of desert management. Using Congress rather than the Courts, their effort culminated with passage of the California Desert Protection Act in October 1994, designating almost 9-million acres of wilderness on BLM and Park

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Service administered lands. It eliminated, by designation, thousands of miles of existing access roads.

"Concurrent with the passage of the Desert Protection Act, actions took place relative to implementation of the Endangered Species Act within the region, specifically land management protection proposals regarding desert tortoise. In 1994 critical habitat was designated and a Recovery Plan was adopted.

"The protection and land management goals of the Desert Tortoise Recovery Plan and the California Desert Protection Act have never been integrated. They move forward on parallel tracks. This caused expanded land use restrictions, non-consideration of resource management options and a doubling-up of closures without consideration of the effects of one against the other. The Desert Protection Act closed and subjected to wilderness management millions of acres of public lands. The Recovery Plan drives further closures and removal of multiple use from remaining public lands within the Desert and our County.

"Over the last decade, livestock grazing has largely disappeared. Mining has been restricted. No new mining is foreseeable in the future. Recreational use for hunting, rock hounding, and general enjoyment has diminished.

"In December 2002, the General Accounting Office (GAO) found that for all the actions implemented either from wilderness, parks or from the Desert Tortoise Recovery Plan neither the Fish and Wildlife Service nor the BLM were evaluating the effectiveness of their actions, yet they continue to issue and implement plans that propose the establishment of even more reserves. Total costs to date exceed \$100 million with little to show for it.

"We do not oppose conservation and proper management of the public lands and their many resources. We do believe, however, that the remaining BLM administered public lands must remain open for multiple-use land management in which the public is afforded an opportunity for access.

"In Summary:

1. "The agencies, with Congressional support, must declare a moratorium on implementing further land use plans. The Recovery Plan must be reviewed and address disease and predation.
2. "There must be a complete review of National Park Service programs. Has ranching removal resulted in any positive change? What values have been lost? The Service has caused removal of the livestock watering facilities that we believe will have a profound effect on bighorn sheep populations unless replaced and maintained.
3. "The agencies need to stop further land acquisition and Congress should move

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quickly to enact H.R. 380, authored by Congressman Radanovich. Many counties in the West besides mine have been adversely affected by Federal acquisitions.

4. "We recommend oversight of the California Desert Protection Act. This hearing is a step in the proper direction. Besides the earlier proposals, we would like to work with the Congress to adjust several boundaries related to wilderness designation. Many of the access issues contained in amendments that you, Congressman Pombo, carried in 1994 are still needed.
5. "We feel the recent BLM regulations relative to recordable disclaimers will provide an avenue of approach in dealing with access on a land title basis. We urge that Congress wholeheartedly support the BLM program, not restrict it, and provide conveyances on both BLM and NPS areas.

"Thank you for the opportunity to appear today. I would be happy to answer any questions or expand on any points raised here or in my longer, written testimony."